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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/074,319 | 02/12/2002 | Armando M. Diaz | 14-120-1 | 6422 |

24131 7590 06/09/2004
LERNER AND GREENBERG, PA
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HOLLYWOOD, FL 33022-2480

EXAMINER

GRIER, LAURA A

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2644

8

DATE MAILED: 06/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/074,319

Applicant(s)

DIAZ ET AL.

Examiner

Laura A Grier

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>5</u> . | 6) <input type="checkbox"/> Other: ____. |

Art Unit: 2644

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 02/12/02 has been placed in the application file, even though no references of prior art were provided or listed by the applicant.

Drawings

2. The drawings are objected to because of a spelling error: "IF AMPPLIFIER", the suggested spelling is -- IF AMPLIFIER -- for figures 1 and 2. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1, 3-6** are rejected under 35 U.S.C. 102(b) as being anticipated by Groeger et al, U. S. Patent No. 5923624.

Regarding **claim 1**, Groeger discloses a radio receiver including a recording unit for audio data (figure 2). Groeger's disclosure comprises a recording unit (6) comprising digital memories (14/12) for storing audio data, wherein the data in the memories can be played back

Art Unit: 2644

via speakers, which reads on programming a storage and playback circuit with a message or message particulars (col. 1, lines 39-43, col. 2, lines 21-25, 36-43 and 49-58); further the digital memory 12 is associated with a controller which reads on a micro controller (col. 2, line 24), and with the recording unit (6) coupled with the radio (2) - figure (2), reads on the circuitry comprising a micro controller and an audio integrated circuit;

the recording unit (6) is connected to between a demodulator (22) and an amplifier (10) – (figure 2, col. 3, lines 1-10), which reads on connecting the storage and playback circuit a demodulator and an amplifier of a radio, and indicates the demodulating inputting a signal to the recording unit and playback unit of the radio, reads on inputting a signal from the demodulator to the audio integrated circuit.

Regarding **claim 3**, Groeger et al. (herein, Groeger) discloses a radio receiver including a recording unit for audio data (figure 2). Groeger's disclosure comprises a recording unit (6) comprising digital memories (14/12) for storing audio data, wherein the data in the memories can be played back via speakers, wherein the recording unit is connected to between a demodulator (22) and an amplifier (10) – (col. 2, lines 21-25, 36-43, col. 3, lines 1-10), which reads on apparatus connected to a radio comprising a storage and playback connected between a demodulator and an amplifier.

Regarding **claim 4**, Groeger discloses everything claimed as applied above (see claim 3). Groeger further discloses digital memory 12 is associated with a controller which constitutes as a micro controller, which reads the storage and playback circuit comprising a micro controller (col. 2, lines 21-25).

Art Unit: 2644

Regarding **claim 5**, Groeger discloses everything claimed as applied above (see claim 4). Groeger discloses everything claimed as applied above (see claim 3). Groeger further discloses with the recording unit (6) coupled with the radio (2) - figure (2), reads on the circuitry comprising an audio integrated circuit.

Regarding **claim 6**, Groeger discloses everything claimed as applied above (see claim 5). Groeger discloses a decoder which inherently constitutes a RDS separator as evidence by the fact that of the presence of RDS and the fact particular data may be displayed by a display of the radio device which typical RDS information, and the demodulated signal is monitored in the decoder for the occurrence of identifiers of the message data which is stored for later retrieval (col. 2, lines 49-58, col. 3, lines 1-10), wherein the decoder is coupled to the digital memory 12 which has an associated controller which reads on a micro-controller coupled thereto, and the controller is connected to the recording unit of the radio device reads on the micro-controller being connected to the said audio integrated circuit.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 2 and 7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Groeger in view of Noda, U. S. Patent No. 5867776.

Regarding **claim 2**, Groeger discloses everything claimed as applied above (see claim 1). Groeger's decoder inherently constitutes a RDS separator as evidence by the fact that of the presence of RDS and the fact particular data may be displayed by a display of the radio device which typical RDS information, and the demodulated signal is monitored in the decoder for the occurrence of identifiers of the message data which is stored for later retrieval (col. 2, lines 49-58, col. 3, lines 1-10), which reads on the demodulator inputting to the RDS separator. However, Groeger fails to specifically disclose the decoder (RDS separator) connected to the radio to receive signals from an IF amplifier.

Regarding the IF amplifier, in a similar field of endeavor, Noda discloses a receiver comprising an IF amplifier (col. 6, lines 54-56).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Groeger by providing an IF amplifier for the purpose of inputting intermediate signals to the decoder coupled with the demodulated signal.

Regarding **claim 7**, Groeger discloses everything claimed as applied above (see claim 6). Groeger further discloses the demodulator inputting to the recording unit and playback unit of the radio, reads the audio integrated circuit receiving an input from the demodulator, and demodulator being coupled to input to the decoder. However, Groeger fails to specifically disclose the decoder (RDS separator) connected to receive signals from an IF amplifier.

Regarding the IF amplifier, in a similar field of endeavor, Noda discloses a receiver comprising an IF amplifier (col. 6, lines 54-56).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Groeger by providing an IF amplifier for the purpose of

Art Unit: 2644

inputting intermediate signals to the decoder (RDS separator) coupled with the demodulated signal.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A Grier whose telephone number is (703) 306-4819. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

LAG 
June 1, 2004